

Express Mail No. EV 453252925 US

REMARKS

Applicants have amended claim 2 to reflect the stereochemistry of the compounds, as shown in the reaction scheme on pages 16-17 of the specification. Claims 3-7 have been amended to correct minor grammatical errors. Upon entry of these amendments, claims 2-10 remain pending in the application.

Rejection of Claims 3-10 Under 35 U.S.C. §112

Reconsideration of the rejection of claims 3-10 under 35 U.S.C. §112, first paragraph is respectfully requested. According to the Office, the subgenera of compounds encompassed by claims 3-10 lack support in the reaction scheme at pages 16 and 17 of the specification. Applicants respectfully traverse this assertion.

The reaction scheme at pages 16 and 17 fully supports claims 3-10. Specifically, claims 3, 4, 5, 6, 7, 8, 9, and 10 are supported by the compounds identified as numbers 10, 11, 12, 13, 14, 15, 16, and 17, respectively, found in the reaction scheme at pages 16 and 17. This is further clarified in the enclosed table, which directly compares the requirements of the individual claims to the structures from the reaction scheme. As is evident from this table, the only variables in these formulas are the "protected hydroxy" groups.

Thus, the claims can only be considered to recite a subgenus of compounds with respect to the "protected hydroxy" groups; all other substituents are specifically defined by the claims. The use of various "protected hydroxy" groups, however, is fully supported by the specification. For example, in describing the protecting groups in the reaction scheme at pages 16 and 17, the specification allows for protecting groups other than those specifically recited for this scheme. See specification at page 18, lines 3-5. Further, the definition of "hydroxy protecting group" at page 35, line 21 - page 36, line 15 describes a wide range of protecting groups that would be suitable for the synthesis described at pages 16 and 17.

Express Mail No. EV 453252925 US

Rejection of Claims 2-10 Under Doctrine of Double Patenting

In an effort to expedite prosecution, and without conceding the propriety of the rejection, applicants submit herewith a terminal disclaimer in light of U.S. Patent No. 6,620,950.

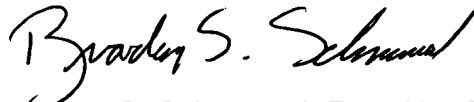
Express Mail No. EV 453252925 US

CONCLUSION

In light of the foregoing, applicants request withdrawal of all claim rejections and solicit an allowance of the claims. The Examiner is invited to contact the undersigned attorney should any issue remain unresolved.

* Enclosed is a check for \$130.00 for the required Terminal Disclaimer fee. Applicants believe that no fees are due in connection with this response. However, if the Commissioner determines that government fees are due, the Office is hereby authorized to charge any underpayment and credit any overpayment of government fees to Deposit Account No. 19-1345.

Respectfully submitted,



Bradley S. Schammel, Reg. No. 54,667
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

BSS/vlm
*Enclosures